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Attorney for Debtor

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In Re:

MARILYN S SIMEON

, Debtor

Case: 17-42989
Chapter 13

Hearing Date: December 20, 2017
Time: 1:30 p.m.
Place: 1300 Clay Street
Courtroom 201
Oakland, CA 94612

DECLARATION IN SUPPORT OF MOTION
FOR ORDER EXTENDING §362 AUTOMATIC STAY

I, MARILYN S SIMEON, the Debtor herein, hereby submit this Declaration in Support of Motion for Order Extending the §362 Automatic Stay. This Declaration is based on the following facts:

1. I am the Debtor in the above entitled case. My case was filed on November 30, 2017.
2. As shown on page 2 of the filed petition of my case, there was a previously-filed Bankruptcy petition. Specifically, on September 28, 2015, I filed a prior Bankruptcy case (#15-42973). Said case was closed without discharge by Order of the Court on October 11, 2017, after I was denied a loan modification within the MMM program.
3. I understand that pursuant to the provisions of §362(c)(3)(A), the fact of a prior filing still pending within the last 12 months limits the provisions of the §362(a) Automatic Stay on

1 my present case to a term of only 30 days, measured from the date of the filing of the new
2 petition.

3 4. However, I candidly and honestly state that the present case was filed in good faith. To
4 date, I have met and fulfilled all of my duties and obligations as a Debtor in this
5 Bankruptcy and fully intend to complete my responsibilities as a Debtor. My new job and
6 that of my husband allow us to participate in the MMM program again with a much better
7 chance of success.

8 5. I further state that the dismissal of the prior case was NOT due to the willful inadvertence
9 or negligence on my part. The case was open for 2 years. I made my mortgage
10 payments with the Trustee during the time of the MMM. I consented to the dismissal of
11 my case after I was denied a loan modification.

12 Wherefore, I respectfully join with my attorney in moving this Court to extend the §362
13 Automatic Stay to a termination date coinciding with the date of Discharge of Debtor, under
14 §523 or the dismissal of the case, whichever occurs first.

15 CERTIFICATION

16 I, MARILYN S SIMEON, hereby certify under penalty of perjury that I have read the foregoing
17 Declaration in Support of Motion for Order Extending §362 Automatic Stay. I further certify
18 that the contents thereof are true and correct to the best of my knowledge and belief.

19 Executed on December 5, 2017, at San Francisco, California.

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21 /s/ MARILYN S SIMEON
22 MARILYN S SIMEON
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